

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICARDO INC.,

USDC SDNY
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Plaintiff,  
-against-

VIA MOTORS, INC., et al.,

ORDER AND JUDGMENT ON  
MOTION FOR JUDGMENT AND  
STIPULATED JUDGMENT

**23-CV-9390 (KHP)**

Defendants.  
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**KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE**

WHEREAS, the parties have consented to the undersigned for purposes of exercising plenary jurisdiction pursuant to 28 U.S.C. § 636(c);

WHEREAS, on April 25, 2024, Plaintiff Ricardo Inc. (“Ricardo”) and Defendants, Via Motors, Inc. (“Via”), Wireless Advanced Vehicle Electrification, LLC d/b/a Wave Charging (“Wave”), and Ideanomics, Inc. (“Ideanomics”) attended a settlement conference with the undersigned during which the parties agreed to a settlement (the “Settlement”) with respect to Wave-related invoices and consented to my jurisdiction for purposes of enforcing that Settlement;

WHEREAS, pursuant to the Settlement, Wave is required to pay Ricardo \$105,000.00 through seven consecutive monthly payments of \$15,000.00 starting on or before June 1, 2024;

WHEREAS, the Settlement provides that in the event that Wave fails to timely make an installment payment, Ricardo shall notify Defendants of the failure to pay and Defendants shall have ten days from the notice to cure and make the installment payment;

WHEREAS, the Settlement further provides that if Defendants fail to make the installment payment within the ten-day notice period, Wave and Ideanomics shall be deemed to be in default and the remaining payments due under the Settlement shall be accelerated, payment shall be immediately due in full, and the undersigned may enforce a motion for judgment against Defendants Wave and Ideanomics;

WHEREAS, Wave made the first payment of \$15,000.00 on June 1, 2024 but failed to make the second payment due on July 1, 2024;

WHEREAS, Ricardo notified Wave of the failure to pay and opportunity to cure on July 9, 2024, but Defendants failed to make the second payment;

WHEREAS, on July 23, 2024, Ricardo filed a motion for judgment with the Court seeking an entry of judgment against Wave and Ideanomics for the remaining amount due under the Settlement of \$90,000.00, plus pre-judgment interest at the New York statutory rate of 9% per annum beginning to accrue on July 20, 2024, as well as federal post-judgment interest (ECF No. 64);

WHEREAS, Defendants did not file a response to Ricardo's motion for judgment and at a conference before this Court on August 22, 2024 consented to entry of judgment on the motion;

WHEREAS, at a conference before this Court on August 22, 2024, the parties entered into a settlement of Ricardo's remaining claims against Via and Ideanomics and as a settlement consented to entry of a stipulated judgment in the amount of \$1,000,000 against Via Motors and Ideanomics with respect to Ricardo's claims related to Via invoicing;

THEREFORE, IT IS ORDERED THAT Defendants Wave and Ideanomics are in default of the Settlement and are jointly and severally liable to Ricardo for the full amount due;

IT IS FURTHER ORDERED THAT the motion regarding the Settlement is GRANTED and judgment shall be entered against Wave and Ideanomics in the amount of \$90,000.00, plus pre-judgment interest at the rate of 9% per annum beginning to accrue on July 20, 2024, as well as post-judgment interest at the federal rate;

IT IS FURTHER ORDERED THAT, judgment shall be entered against Via and Ideanomics in the amount of \$1,000,000, plus post-judgment interest at the federal rate.

The Clerk of Court is respectfully requested to terminate the motions at ECF Nos. 64 and 69 and to enter judgment consistent with this Order and Judgment and close the case.

**SO ORDERED.**

Dated: August 23, 2024  
New York, New York

Katharine H. Parker  
KATHARINE H. PARKER  
United States Magistrate Judge